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17 Akeena Solar, Inc., and Individual Defendants  
18 Barry Cinnamon, and Gary Effren  
19  
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\*\*E-Filed 7/15/2010\*\*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 EVELYN SABBAG, Derivatively on Behalf of ) CASE NO.: 10-CV-02735-JF  
15 AKEENA SOLAR, INC., )  
16 Plaintiff, )  
17 v. )  
18 BARRY CINNAMON, GARY EFFREN, )  
19 EDWARD ROFFMAN, JON WITKIN, )  
20 GEORGE LAURO, and DAVID WALLACE, )  
21 Defendants, )  
22 -and- )  
23 AKEENA SOLAR, INC., a Delaware )  
24 corporation, )  
25 Nominal Defendant. )  
26  
27  
28

**STIPULATION AND [PROPOSED-  
ORDER] EXTENDING DEADLINE  
OF NOMINAL DEFENDANT  
AKEENA, AND INDIVIDUAL  
DEFENDANTS CINNAMON AND  
EFFREN TO RESPOND TO  
COMPLAINT**

1 On June 22, 2010, plaintiff Evelyn Sabbag (“Plaintiff”) filed the Verified Shareholder  
2 Derivative Complaint for Breach of Fiduciary Duty, Unjust Enrichment, Waste of Corporate  
3 Assets and Violations of California Corporations Code (“Complaint”).

4           **WHEREAS**, nominal defendant Akeena Solar, Inc., and individual defendants Barry  
5 Cinnamon, and Gary Effren (collectively “Defendants”) have been served with the summons and  
6 complaint, and pursuant to Rule 12 of the Federal Rules of Civil Procedure their response to the  
7 Complaint is currently due July 13, 2010;

8           **WHEREAS**, counsel for Defendants and counsel for Plaintiff have agreed that  
9 Defendants will file their motion(s) pursuant to Federal Rule of Civil Procedure 12(b)(6) on or  
10 before July 30, 2010.

\* \* \* \* \*

12           **NOW THEREFORE**, the parties, by and through their undersigned counsel of record, in  
13 the interests of judicial economy, hereby agree and stipulate, and the Court hereby orders, that:

17 | Dated: July 12, 2010

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By: /s/ Dominique-Chantale Alepin  
Dominique-Chantale Alepin

*Attorneys for Nominal Defendant Akeena Solar, Inc., and Individual Defendants Barry Cinnamon, and Gary Effren*

Dated: July 12, 2010

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By: /s/ George C. Aguilar  
George C. Aguilar

*Attorneys for Plaintiff Evelyn Sabbag*

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/15/2010

United States District Judge

1. *Chlorophytum comosum* (L.) Willd.

